

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR GSR MORTGAGE
LOAN TRUST 2006-AR1,

Plaintiff,

v.

DENNIE MORELAND,

Defendant.

Case No. [14-cv-00523-JSC](#)

**ORDER OF REASSIGNMENT AND
REPORT AND RECOMMENDATION
THAT CASE BE REMANDED**

Re: Dkt. No. 5

Plaintiff brought this state law unlawful detainer action against Defendant Dennie Moreland in the Superior Court of California for the County of Alameda. Defendant Moreland, representing himself, subsequently purported to remove the action to this Court on the basis of federal question jurisdiction. (Dkt. No. 1.) Defendant asserts that the Court has jurisdiction under 28 U.S.C. section 1331 due to Plaintiffs' alleged violations of the Real Estate Settlement Procedures Act, ("RESPA"), 12 U.S.C. § 2601. (*Id.* at ¶ 3.)

By Order filed February 12, 2013, the Court concluded that it does not have federal question jurisdiction and that the case was not properly removed under diversity jurisdiction. (Dkt. No. 5.) Accordingly, the Court ordered Defendant to show cause in writing on or before March 4, 2014 why this action should not be remanded to the Superior Court of California for the County of Alameda. As of the date of this Order, Defendant has not responded to the Order to Show Cause nor otherwise communicated with the Court.

As neither Plaintiff nor Defendant has consented to the jurisdiction of a magistrate judge, this case must be reassigned to a district court judge. Because the undersigned magistrate judge concludes that there is no basis for federal jurisdiction, it RECOMMENDS that the action be remanded to state court.

United States District Court
Northern District of California

IT IS SO ORDERED.

Dated: March 12, 2014



JACQUELINE SCOTT CORLEY
United States Magistrate Judge